

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

U.S. BANK, NATIONAL ASSOCIATION, in its capacity as Trustee, JOSHUA N. TERRY, AND ACIS CAPITAL MANAGEMENT, L.P.,

Plaintiffs,

**Case No. 1:21-cv-11059 (GHW)**

-against-

THE CHARITABLE DONOR ADVISED FUND, L.P., CLO HOLDCO LTD., AND NEXPPOINT DIVERSIFIED REAL ESTATE TRUST,

Defendants.

**AMENDED NOTICE OF APPEAL**

Notice is hereby given that Defendants Nexpoint Diversified Real Estate Trust and NHF TRS, LLC (“NexPoint” and “NHF,” and collectively, “Defendants”) in the above-named case appeal to the United States Court of Appeals for the Second Circuit from the Memorandum Opinion & Order [Dkt. 261] entered on March 1, 2024, dismissing NexPoint’s and NHF’s counterclaims against Plaintiffs/Counter-Defendants Acis Capital Management, L.P. and Joshua N. Terry and Counter-Defendant Brigade Capital Management, LP.

The above-referenced Order became final on March 10, 2025, when the remaining claims herein were dismissed with prejudice [Dkt. 322, Stipulation of Voluntary Dismissal].

Dated: March 26, 2025

Respectfully submitted,

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